Fact Sheet
January 25, 2001

Elden Kuehl Pollution Control Facility (City of Valparaiso)
which is located at 1251 Joliet Road in Valparaiso, Indiana

NPDES Permit No. IN 0024660

Background

This is the proposed reissuance of a National Pollutant Discharge Elimination System (NPDES) permit for the Elden Kuehl Pollution Control Facility (City of Valparaiso). The facility's existing permit was issued on December 31, 1990 and has an expiration date of November 30, 1995. The permit was subsequently modified on February 25, 1991 to correct typographical errors and errors of omission. This permit modification did not alter the expiration date of the permit.

The Elden Kuehl Pollution Control Facility is a Class IV Advanced Activated Sludge (Two Stage Nitrification) Wastewater Treatment Plant (WWTP). The plant has an average design flow of 6.0 MGD and a peak flow of 9.0 MGD with the ability to capture a first flush of 4.5 MGD into 3 combined sewer overflow retention basins during wet weather periods, thus providing the City of Valparaiso a total capacity of 13.5 MGD. Once the WWTP has reached its peak flow of 9.0 MGD and has retained the 4.5 MGD first flush, the excess flow will then be diverted to CSO Point No. 002. The untreated wastewater stored in the CSO retention basins will eventually be bled back through the WWTP once the influent flow to the plant descends below 6.7 MGD, which is the initial pumping capacity of the de-watering pumps at the CSO retention basins.

The Elden Kuehl Pollution Control Facility has 3 combined sewer overflow basins, influent flow monitoring, screening, grit removal, primary clarifiers, carbonaceous aeration tanks, secondary clarifiers, phosphorus removal with ferrous chloride, nitrification aeration tanks, tertiary clarifiers, mixed media filters, effluent chlorination/dechlorination facilities, post-aeration, and effluent flow monitoring. Sludge treatment includes dissolved air flotation, anaerobic digestion, and lagoon storage. Biosolids are eventually land applied.

The facility has two (2) flow diversion locations within the WWTP. The description of these flow diversion locations are as follows:

Secondary Flow Diversion Gate (located in the primary effluent channel)

1. A portion of the primary effluent is diverted to the second stage activated sludge process of the wastewater treatment plant once the influent flow has approximately reached 7.0 MGD at the first stage activated sludge biological process. (When flow exceeds 7.0 MGD at the first stage activated sludge process the secondary clarifier weirs will flood as a result).

2. The operator has the ability to add primary effluent as an additional food source to the second stage activated sludge process when appropriate.

Since the wastewater flow being diverted around the secondary flow diversion gate has received secondary treatment, the wastewater has been treated to a level capable of attaining the effluent limitations contained in this permit.

Tertiary Effluent Diversion Gate (located on the south end of the tertiary effluent channel)

The tertiary effluent diversion gate enables the WWTP to divert a portion of the tertiary effluent around the mixed media filters. Diverted tertiary effluent will be discharged prior to the chlorine contact chamber if and when the filter backwash cycle is not available due to excessive solids being carried over from the second stage activated sludge process.

Since the wastewater flow being diverted around the tertiary effluent diversion gate has received secondary treatment, the wastewater has been treated to a level capable of attaining the effluent limitations contained in this permit.

Wastewater Treatment Plant Sampling Locations

* Raw Influent Channel
* Primary Effluent Channel
* Secondary Effluent Channel
* Nitrification Influent Channel
* Tertiary Effluent Channel
* Final Effluent Sampling Location

Final Effluent Sampling Location

The location of the plant's final effluent sampling will not change although a mixed media filter discharge may be initiated. This sampling location is after the effluent chlorine/dechlorination chamber and after the post-aeration unit but before the WWTP effluent discharges to the City's receiving stream (Salt Creek) via Outfall 005.

It should also be noted that the City of Valparaiso is in the initial planning stages of upgrading the Elden Kuehl Pollution Control Facility to increase the average design flow to 9.0 MGD. However, this permit only addresses the permitting requirements for the existing 6.0 MGD wastewater treatment plant.

Collection System

The City of Valparaiso's sewerage collection system consists of separate sanitary, separate storm, and combined sewers by design with two (2) combined sewer overflow (CSO) points. Attachment A has been included in the reissued permit to outline the combined sewer overflow requirements and to list CSO points. The City's previous permit also listed an additional CSO Overflow Point (No. 007) which is not listed in the City's permit reissuance since it has recently been plugged and no longer has ability to discharge.

Industrial Contributors

Due to the significant number of industrial dischargers into the City of Valparaiso's collection system, the City is required to continue to operate their own pretreatment program. Pretreatment program requirements are found in Part III of the permit reissuance.

Compliance Status

The City of Valparaiso is presently negotiating the resolution of a pending enforcement action against it by IDEM's Office of Enforcement.

Receiving Stream

Discharge from the treatment facility is to Salt Creek (which lies within the Lake Michigan Drainage Basin) via Outfall No. 005. The two (2) combined sewer overflows also discharge to Salt Creek. This receiving stream has a seven day, ten year low flow ($Q_{7, 10}$) of 2.4 cubic feet per second (1.6 MGD). This provides the facility with a dilution ratio of 0.26:1 (stream flow to effluent flow) under these stream conditions.

Effluent Limitations and Rationale

The effluent parameters to be limited and/or monitored in the discharge from Outfall 005 include: flow, 5-day Carbonaceous Biochemical Oxygen Demand ($CBOD_5$), Total Suspended Solids (TSS), Ammonia-Nitrogen (NH_3-N), fecal coliform, phosphorus, Dissolved Oxygen (D.O.), E. coli, Total Residual Chlorine (TRC), pH, copper, and mercury. The effluent limitations proposed are based on the Wasteload Allocation Studies performed by IDEM on May 16, 1997 and October 24, 2000, Indiana Great Lakes Water Quality Standards, NPDES regulations and the previous NPDES permit.

Flow

Flow measurement is required per 327 IAC 2-4-1 and 327 IAC 5-2-13. The flow meter(s) shall be calibrated at least once annually. Flow is to be reported daily as a 24 hour total.

$CBOD_5$

Carbonaceous BOD_5 ($CBOD_5$) is limited to 10 mg/l as a monthly average concentration value and 15 mg/l as a weekly average concentration value year-round. $CBOD_5$ is to be reported daily via 24-hour composite sampling. The antibacksliding regulations, as contained in 327 IAC 5-2-10(11), will not be an issue because the proposed effluent limitations are the same as in the previous permit.

TSS

Total Suspended Solids (TSS) is limited to 10 mg/l as a monthly average concentration value and 15 mg/l as a weekly average concentration value year-round. TSS is to be reported daily via 24-hour composite sampling. The antibacksliding regulations, as contained in 327 IAC 5-2-10(11), will not be an issue because the proposed effluent limitations are the same as in the previous permit.

NH_3-N

During the interim monitoring period, ammonia-nitrogen (NH_3-N) is limited to 1.5 mg/l as a monthly average concentration value and 2.3 mg/l as a weekly average concentration value during the summer monitoring period. Ammonia-nitrogen (NH_3-N) is limited to 3.0 mg/l as a monthly average concentration value and 4.5 mg/l as a weekly average concentration value during the winter monitoring period. NH_3-N is to be monitored daily via 24-hour composite sampling.

The final ammonia-nitrogen limitations and monitoring requirements have been modified in accordance with the State of Indiana's recent adoption of the Great Lakes Water Quality Standards. In order to meet the requirements of the Great Lakes Water Quality Standards, the weekly average ammonia-nitrogen limitations have been replaced with daily maximum limitations in accordance with 327 IAC 5-2-11(d). A 36-month schedule of compliance has been incorporated in Part I.D. of this permit reissuance to attain the final ammonia-nitrogen limitations.

The final ammonia nitrogen limitations are as follows: Ammonia-nitrogen (NH_3-N) is limited to 1.3 mg/l as a monthly average concentration value and 3.1 mg/l as a daily maximum concentration value for the summer monitoring period. Ammonia-nitrogen (NH_3-N) is limited to 1.4 mg/l as a monthly average concentration value and 3.3 mg/l as a daily maximum concentration value for the winter monitoring period. NH_3-N is to be monitored daily via 24-hour composite sampling.

The antibacksliding regulations, as contained in 327 IAC 5-2-10(11), will not be an issue because the proposed final ammonia-nitrogen effluent limitations are the same as or more stringent than those in the previous permit.

Phosphorus

In accordance with 327 IAC 5-10-2(a)(1), which states "that phosphorus removal shall be required for a point discharge were the daily discharge, as a monthly average, contains ten (10) pounds or more of total phosphorus (calculated as elemental phosphorus -- P) and the discharge is located within the Lake Michigan or Lake Erie Basins" the permittee shall limit phosphorus to 1.0 mg/l as a monthly average year-round or the wastewater treatment facility shall achieve a

removal based on the amount of total phosphorus that is present in the raw influent, whichever is more stringent in accordance with 327 IAC 5-10-2(b). The antibacksliding regulations, as contained in 327 IAC 5-2-10(11), will not be an issue because the proposed effluent limitations are the same as in the existing permit.

Dissolved Oxygen

Dissolved oxygen in the effluent shall be limited to 6.0 mg/l as a daily minimum average concentration value year-round. Dissolved oxygen is required to be monitored daily, using the arithmetic mean determined by summation of the two daily grab sample results and dividing this sum by two. These samples are to be collected over equal time intervals during the period of operator attendance. The antibacksliding regulations, as contained in 327 IAC 5-2-10(11), will not be an issue because the proposed effluent limitations are the same as in the previous permit.

pH

pH limitations have been based on 40 CFR 133.102 which is cross-referenced in 327 IAC 5-5-3. To ensure conditions necessary for the maintenance of a well-balanced aquatic community, the pH of the final effluent must be between 6.0 and 9.0 standard units in accordance with the provisions in 327 IAC 2-1.5-8(c), which are the same limitations as those found in the facility's previous permit. pH must be measured daily via grab sampling.

Disinfection Requirements

Disinfection of the effluent is required April 1 through October 31, annually. During the interim period, the final total residual chlorine will be limited to a daily maximum concentration limit of 0.05 mg/l. The permittee will have a compliance schedule for achieving the new final effluent limits for total residual chlorine (TRC) which include a monthly average concentration limit and mass limits for TRC.

After the interim period, the new final water quality-based effluent limits for total residual chlorine are 0.01 mg/l as a monthly average and 0.02 mg/l daily maximum. The NPDES regulations for Great Lakes dischargers allow the limit of quantitation (LOQ) value to be designated as the compliance value for the daily maximum WQBEL whenever that calculated limit is less than the LOQ value for that parameter. This means that on a daily basis, the permittee will be required to reduce residual chlorine in the final effluent at Outfall 005 to less than 0.06 mg/l while still ensuring disinfection.

Compliance with the monthly average total residual chlorine limitation shall be demonstrated where the actual monthly average total residual chlorine value is less than or equal to the monthly average water quality based effluent limitation (0.01 mg/l). The permit contains provisions for calculating the reported total residual chlorine monthly average value in which each daily result which is less than the LOQ value is assigned a value of zero for the purpose of calculating the total residual chlorine monthly average concentration.

The City has already submitted plans and specifications for an upgrade of the existing WWTP to the Office of Water Quality's Facility Construction Section. These plans include an ultraviolet light disinfection system. Because it is anticipated that the ultraviolet light system will be operational by the end of the 36-month compliance schedule for total residual chlorine, no requirements for a pollutant minimization program for chlorine have been included in the draft permit. When the U.V. system is installed the permit will be modified to delete the effluent limits for total residual chlorine.

Bacteriological Requirements

During the interim period, fecal coliform shall be monitored and limited. A 36-month compliance schedule is included in Part I.E of this permit for the change over to the new E. coli limits. Beginning with the conclusion of the 36-month interim period, E. coli shall be monitored and reported during each disinfection season. Bacterial limitations are considered in effect during the disinfection/recreation season of April 1 through October 31, annually. During the disinfection/recreation season, E. coli is limited to 125/100 ml monthly average calculated as a geometric mean and 235/100 ml daily maximum. E. coli is required to be monitored daily via grab sampling.

Mass/Loading Values

The loading values for these parameters were calculated using the following formula: Average Design Flow (6.0 MGD) X 8.345 X Concentration Limit. These values are limited as pounds per day in Part I.A.1, Table 1 of the permit reissuance.

Metals and Cyanide

Effluent metal requirements are included in Parts I.A.3. and I.A.4., on Pages 7 through 9 of the reissuance permit. Effluent monitoring is to be conducted twice monthly via 24-hour composite sampling (except for cyanide which requires a grab sample). The permittee shall ensure through its pretreatment program, and any other necessary means, that influent concentrations of contaminants are low enough to ensure compliance with the final effluent metals limitations.

The requirement within the previous permit which requires that samples for metals be taken one detention time after the influent samples has been deleted from the reissuance permit. The effect of the recycle streams in most wastewater treatment plant eliminates any meaningful comparison.

Reasonable Potential

All metals that were limited in the City's previous permit were subjected to a determination for reasonable potential to cause an excursion above ambient criteria using the reasonable potential procedure in 327 IAC 5-2-11.5(b). The results are included in the wasteload allocation study dated

October 24, 2000. As requested by IDEM, the permittee submitted historical performance data for the period of January 1997 to June 2000 for evaluation. Original inclusion for metals effluent limitations and monitoring requirements were most often based on a Best Professional Judgement (BPJ) determination to exceed the water quality standard based on those metals listed in Standard Form A-Municipal Section IV Industrial Waste Contribution to Municipal System and Section II, Basic Discharge Description, Part 15 Additional Wastewater Characteristics and/or available information on metals constituents in the treatment plant sludge. Removal and/or continued inclusion will not violate antibacksliding provisions of 327 IAC 5-2-10(11)(A), (B), & (C).

Certain conditions will be attached to those metals for which a specific determination has been made to delete effluent limitations and monitoring requirements. Effluent monitoring will still be required. This Office suggests that influent monitoring still be conducted to ascertain continuing compliance with pretreatment requirements. A reopening clause has been included (Part I.G. of the reissuance permit) that stipulates the addition of effluent limitations to the permit in the event of a substantial increase in effluent quantities or a TRE traces a particular metal as causation of effluent toxicity.

Specifically footnoted metals and cyanide are intended to be analyzed by a test method approved by 40 CFR 136 that will return an optimum concentration range and sensitivity for the expected effluent quality such that reported test results generate an LOQ less than the daily maximum permit limitation. This is expected to return statistically reliable data that can be subjected to a determination for reasonable potential to cause an excursion above ambient criteria if desired.

For the purposes of enforcing and maintaining adequate legal authority in the City's Sewer Use Ordinance, the Control Authority shall still develop and maintain local limits for all metals no longer monitored in the effluent in its technical re-evaluation of the local limits.

Cadmium

Cadmium is currently limited to 0.002 mg/l as a monthly average concentration value and 0.005 mg/l as a daily maximum concentration value in the City's previous permit issued December 31, 1990 and subsequently modified on February 25, 1991. It is proposed to delete the cadmium effluent limits, based on the reasonable potential procedure in 327 IAC 5-2-11.5(b). Effluent monitoring will still be required at a frequency of twice monthly.

Hex. Chromium

Hex. chromium is currently limited to 0.008 mg/l as a monthly average concentration value and 0.019 mg/l as a daily maximum concentration value in the previous NPDES permit. It is proposed to delete effluent limits and monitoring requirements as hex. chromium is a strong oxidizer that would be reduced by the organic matter in the sewage, therefore it is a parameter of concern only for direct industrial dischargers. Testing for this parameter is more appropriate as a function of the pretreatment program at those industrial site(s) where this parameter is expected to be present in the discharge.

Total Chromium

Total chromium is currently limited to 0.25 mg/l as a daily maximum concentration value and reported as a monthly average concentration value in the City's previous permit issued December 31, 1990 and subsequently modified on February 25, 1991. It is proposed to delete the total chromium effluent limits, based on the reasonable potential procedure in 327 IAC 5-2-11.5(b). Effluent monitoring will still be required at a frequency of twice monthly.

Copper

Copper is currently limited to 0.03 mg/l as a daily maximum concentration value and reported as a monthly average concentration value in the permit issued December 31, 1990 and subsequently modified on February 25, 1991. The City is currently having some problems meeting their current daily maximum copper limit of 0.03 mg/l. A significant amount of the City's influent copper levels appear to be coming from uncontrollable sources, including background public water supply levels and copper piping in residences. The wasteload allocation study determined that the water quality-based effluent limits for copper are 0.023 mg/l monthly average and 0.048 mg/l daily maximum. This Office is proposing to modify the City's copper limitations accordingly. This Office does not believe this conflicts with the anti-backsliding regulations [327 IAC 5-2-10(11)(B)(iii)], since the City has been operating their WWTP to the best of their ability and are still having some problems attaining their existing daily maximum copper limitations. The previous permit did not contain any monthly average copper limits, but the final set of effluent limits will contain both concentration and mass limits for the monthly average copper limits. Therefore during the interim monitoring period the permit will contain a daily maximum concentration limit of 0.048 mg/l with a corresponding requirement to monitor and report their mass in lbs/day. After the interim monitoring period, copper shall be limited to 0.023 mg/l as a monthly average concentration value and 0.048 mg/l as a daily maximum concentration value and 1.15 lbs/day as a monthly average loading value and 2.40 lbs/day as a daily maximum loading value. The final copper effluent limits and monitoring requirements are being imposed, because the projected maximum receiving concentration (RWC) is greater than the ambient criterion for this parameter.

Cyanide

Total Cyanide is currently limited to 0.004 mg/l as a monthly average concentration value and 0.009 mg/l as a daily maximum concentration value in the City's previous permit issued December 31, 1990 and subsequently modified on February 25, 1991. It is proposed to delete the cyanide effluent limits, based on the reasonable potential procedure in 327 IAC 5-2-11.5(b). However effluent monitoring for free cyanide has been included in the reissuance permit at a frequency of twice monthly.

Lead

Lead is currently limited to 0.012 mg/l as a monthly average concentration value and 0.028 mg/l as a daily maximum concentration value in the City's previous permit issued December 31, 1990 and subsequently modified on February 25, 1991. It is proposed to delete the lead effluent limits, based on the reasonable potential procedure in 327 IAC 5-2-11.5(b). Effluent monitoring will still be required at a frequency of twice monthly.

Mercury

Mercury is currently limited to 0.00001 mg/l as a monthly average concentration value and 0.00002 mg/l as a daily maximum concentration value in the City's previous permit issued December 31, 1990 and subsequently modified on February 25, 1991. After the interim monitoring period, mercury shall be limited to 3.2 *ng/l* as a daily maximum concentration value and 1.3 *ng/l* as a monthly average concentration value. It is proposed to retain the interim mercury effluent limits and monitoring requirements and impose final mercury effluent limits and monitoring requirements, based on the reasonable potential procedure in 327 IAC
5-2-11.5(b). An examination of the effluent mercury sampling data shows several values above the limit of detection. It should be noted that the City will need to immediately commence the use of the new EPA Test Method 1631 for mercury which provides a much lower detection level than previous methods.

A 59-month schedule of compliance has been incorporated in Part I.F. of this permit reissuance to attain the final mercury effluent limitations.

Nickel

Nickel is currently limited to 0.07 mg/l as a monthly average concentration value and 0.17 mg/l as a daily maximum concentration value in the permit issued December 31, 1990 and subsequently modified on February 25, 1991. It is proposed to delete the nickel effluent limits, based on the reasonable potential procedure in 327 IAC 5-2-11.5(b). Effluent monitoring will still be required at a frequency of twice monthly.

Zinc

Zinc is currently limited to 0.23 mg/l as a monthly average concentration value and 0.53 mg/l as a daily maximum concentration value in the permit issued December 31, 1990 and subsequently modified on February 25, 1991. It is proposed to delete the zinc effluent limits, based on the reasonable potential procedure in 327 IAC 5-2-11.5(b). Effluent monitoring will still be required at a frequency of twice monthly.

Great Lakes Basin Discharger Requirements

The City of Valparaiso's WWTP discharges into a water body which is located in the Lake Michigan Drainage Basin. As such it is subject to the water quality standards which are specific to Great Lakes basin dischargers as found in 327 IAC 2-1.5, 327 IAC 5-1.5, and 327 IAC 5-2. These rules, effective as of February 13, 1997, prohibit any action resulting in a significant lowering of water quality unless an antidegradation demonstration has been completed by the applicant and approved by the IDEM. According to 327 IAC 5-2-11.3(b)(1), a significant lowering of water quality occurs when there is a new or increased loading of a bioaccumulative chemical of concern (BCC) from the permitted facility; or a new or increased permit limit for a non-BCC where the new or increased permit limit results in both a calculated increase in the ambient concentration of a pollutant in the receiving water body, and a lowering of water quality greater than a de minimis lowering of water quality. Because the discharge from this facility does not constitute a significant lowering of water quality as outlined in 327 IAC 5-2-11.3(b)(1), no antidegradation demonstration is required from the permittee as a part of their permit reissuance application.

As required by 327 IAC 5-2-11.3(b)(2), the permit reissuance (Part II.A.17) specifically prohibits the permittee from undertaking deliberate actions that would result in new or increased discharges of BCCs or new or increased permit limits for non-BCCs without first proving that the new or increased discharge would not result in a significant lowering of water quality, or by submission and approval of an antidegradation demonstration to the IDEM.

Solids Disposal

The City of Valparaiso must dispose of their collected screenings, slurries, sludges, and other such pollutants in accordance with 329 IAC 10, 327 IAC 6.1, 40 CFR 503, or another method approved by the Commissioner.

Reopening Clauses

Seven reopening clauses were incorporated into Part I.G. of the City's renewal permit. One clause is to incorporate effluent limits from any further wasteload allocations performed, one is to incorporate changes made in sludge disposal standards, one is to include limitations for specific toxicants if the results of the biomonitoring and/or the TRE study indicate that such limitations are necessary, one to include a case-specific method detection level, one is to incorporate additional requirements or limitations for specific toxicants if the required additional analyses in Part I.A.4.a or b of the permit indicates the need to do so, one is to incorporate effluent limitations reflecting any changes to State Water Quality Standards, and one is to incorporate limitations and standards under section 301 (b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Clean Water Act, if deemed necessary.

Additional Requirements

Due to the fact that the City of Valparaiso is required to operate their own pretreatment program, the following Biomonitoring Program Requirements have been incorporated into the City's reissuance permit. The permittee shall conduct whole effluent toxicity tests monthly for a period of three months and, provided no toxicity is shown, once annually thereafter for the duration of the permit. After three tests have been completed, and if the indicate no toxicity, the permittee may reduce the number of species tested to only include the most sensitive to the toxicity in the effluent. If any two tests indicate the presence of toxicity, the permittee must also begin the implementation of a toxicity reduction evaluation (TRE). If no toxicity is demonstrated, the testing frequency shall be annually thereafter for the duration of the permit. Chronic toxicity will be demonstrated if the No Observed Effect Level (NOEL) is less than 93.8% for Ceriodaphnia dubia or Pimephales promelas. If toxicity is demonstrated, the permittee is required to conduct a toxicity reduction evaluation (TRE) as specified in Part I.B.2 of this permit (Toxicity Reduction Evaluation (TRE) Schedule of Compliance).

Combined Sewer Overflow (CSO) Requirements

The IDEM released Indiana's Final CSO Strategy in the May 1996 Indiana Register. Strategy amendments were made in accordance with the U.S. EPA's 1994 National CSO Control Policy. The process utilized to finalize the strategy involved extensive cooperation with the regulated community through the CSO Municipal Workgroup which met throughout 1995 and 1996. Representatives of eleven demographically diverse CSO communities, the environmental community, the business community, the Ohio River Valley Water Sanitation Commission (ORSANCO) and IDEM participated in these sessions.

The Final CSO Strategy enhances Indiana's 1991 CSO Strategy by including three additional minimum control technologies (together with the 1991 Strategy's six minimum controls these are known as the "nine minimum controls") and a requirement for the development of a long-term control plan (Part VI, of the Attachment A). The goal of the National CSO Control Policy and Indiana's Final CSO Strategy was to have all CSO communities implement and document the use of the nine minimum controls by January 1, 1997. IDEM recognizes that this goal was not fully achieved by all CSO communities. However, there is an expectation that the nine minimum controls be documented and implemented as expeditiously as possible. The Attachment A within this NPDES permit establishes submittal dates for the permittee to comply with the nine minimum controls and the long-term CSO control plan.

Permit Term

A five-year NPDES permit is proposed.

Prepared by Gale Ferris

Post Public Notice Addendum
March 15, 2001

The following comments were received in conjunction with the public notice period (February 5, 2001 to March 23, 2001) for the City of Valparaiso's NPDES renewal permit and the public meeting and public hearing held at the Valparaiso City Hall in the City Council Chamber on February 7, 2001 and March 14, 2001, respectively.

1. **Question:** Salt Creek is a regulated drain and is under the jurisdiction of the Porter County Drainage Board. Isn't the City required to receive approval from the drainage board prior to discharging additional flow to Salt Creek via an wastewater treatment plant upgrade?

   Response: IDEM has the regulatory authority to set forth the NPDES effluent limitations and permit conditions to protect the water quality and the aquatic life in the City's receiving stream (Salt Creek). In the absence of explicit regulatory authorization to control the amount of additional flow that is discharged into waters of the state, IDEM believes that it is more appropriate to leave this matter up to the Porter County Drainage Board, which clearly has the legal authority in this matter. Such approval is not a prerequisite to the issuance of any NPDES permits.

2. **Question:** The City of Valparaiso enlarged and deepened the stream bed of Beauty Creek, which is a tributary of Salt Creek in 1992. This project has caused large amounts of sand to be deposited in Salt Creek and has greatly reduced the carrying capacity of Salt Creek. As a result, the City should be required to complete a study of Salt Creek to determine the stream's existing flow-carrying capacity and develop and implement a plan to restore Salt Creek.

   Response: IDEM does not have the explicit regulatory authority to control the amount of flow that is discharged into Salt Creek. IDEM believes that it is more appropriate to leave this matter up to the Porter County Drainage Board, which has the legal authority in this matter.

3. **Question**: Concerns were expressed that the City of Valparaiso's periodic discharges from their 2 CSO points are causing odor and turbidity problems in Salt Creek as well as creating sludge deposits downstream of the CSO points.

   Response: Combined sewer overflows (CSOs) are point sources subject to the requirements of the Clean Water Act and are authorized under the terms and conditions of Attachment A of this NPDES permit. The City is required to develop a combined sewer overflow operational plan (CSOOP), which requires the City to minimize the effect of wet-weather overflows. The stream reach characterization and evaluation report (SRCER) requires the City to evaluate their collection system and CSO impacts on each receiving stream. A long-term CSO control plan will be required by the City to ensure that CSO discharges do not cause or contribute to violations of state water quality standards.

4. **Question:** The City's plan to store 4.5 million gallons of untreated wastewater into 3 combined sewer overflow retention basins during wet weather periods will not resolve the City's need for additional wastewater treatment capacity for their present and future needs due to growth that is occurring in the City's service area. Since the City's WWTP average daily flow is getting close to their average design flow of 6.0 MGD, when will the City's WWTP have the available capacity to treat the wastewater stored in the above-referenced retention basins?

   Response: The City is in the early planning stages to upgrade their existing wastewater treatment plant to an average design flow of 9.0 MGD and increasing their average peak design flow to 18.0 MGD. The aforementioned WWTP upgrade will give the City of Valparaiso additional wastewater treatment capacity for their present and future needs and will allow the City to capture and treatment a greater volume of their wet weather related flows. The current facility has the ability to bleed at least some of the flows from the retention basins back through the WWTP as the wet weather flows subside.

5. **Question:** Does the City of Valparaiso have plans to construct a second wastewater treatment plant in a different location of the City to help meet the City's present and future need for additional wastewater treatment capacity due to growth that is/or will be occurring in the City's service area?

   Response: The City is in the early planning stages of proposing to construct an additional wastewater treatment plant on the southwest side of the City to help meet their present and future need for additional wastewater treatment capacity.

6. **Question:** The City's industries should be required to pretreat their wastewater before it enters the City's wastewater collection system, since state and federal records indicate multiple industrial waste violations. Since the City's WWTP does not have the processing equipment to remove toxics chemicals such as mercury, cyanide, molybdenum, and chromium from their influent, all of the City's industries that produce toxics and discharge to the City's wastewater collection should be required to pretreat their wastewater. This would protect the City of Valparaiso WWTP's delicate bio-balance as well as to protect Lake Michigan which provides drinking water for millions of people.

   Response: IDEM requires the City of Valparaiso to operate their own pretreatment program, which requires the City to develop, enforce and maintain adequate legal authority in its Sewer Use Ordinance (SUO) to fully implement the pretreatment program in compliance with State and local law. As part of this requirement, the City shall develop and maintain local limits as necessary to implement the prohibitions and standards in 327 IAC 5-12. In accordance with 327 IAC 5-13-2(f)(1) the City is required to issue/reissue permits to Significant Industrial User(s) (SIU) as stated in the SUO. The City is also required to conduct inspection, surveillance, and monitoring activities to determine SIU compliance status with the approved program and the SUO independent of data supplied by the SIU in accordance with 40 CFR 403.8(f)(1)(v) and 327 IAC 5-13-2(f)(1)(E). The City is also required to initiate the appropriate enforcement action against a SIU violating any provision of the SUO and/or discharge permit in accordance with the Enforcement Response

Procedures (ERP) adopted by the City. The City is required to submit an annual report to IDEM by April 1, of each year. Any NPDES permit violations that are associated with the City's industrial contributors will be taken into consideration by the Office of Enforcement to determine if any enforcement action is necessary. Some metals and toxics come from other sources which are not easily controlled, including domestic (residential) sources background levels in the public water supply, and stormwater runoff.

7. **Question:** The City's NPDES permit should not be renewed for the City's existing wastewater treatment plant until the City presents better management of its WWTP, increases their wastewater treatment capacity not just their storage capacity, and can meet their NPDES effluent limitations on a consistent basis.

   Response: The effluent limitations contained within the City's renewal permit are based on the Wasteload Allocation Studies performed by IDEM on May 16, 1997 and October 24, 2000, Indiana Great Lakes Water Quality Standards, NPDES regulations and the City's previous NPDES permit. The above-referenced effluent limitations contained within the City's NPDES permit are designed to protect the water quality of the City's receiving stream (Salt Creek) in accordance with the Clean Water Act. Any future violation of the effluent limitations contained within the City's NPDES renewal permit will be taken into consideration by the Office of Enforcement to determine if any enforcement action is necessary. It should also be noted that the City is in the early planning stages of proposing to increase their wastewater treatment capacity via a WWTP upgrade and the NPDES permit will be modified accordingly in the future.

   This Office is reissuing the City's NPDES permit, since the permit's effluent limitations are designed to be protective of waters of the State.

8. **Question:** When did the City of Valparaiso submit their NPDES permit application to renew their current NPDES permit?

   Response: This Office received the City of Valparaiso's NPDES permit renewal application on January 12th, 1998.

9. **Question:** Does the City of Valparaiso' WWTP have a federal NPDES permit?

   Response: The City does not have a federal NPDES permit, since no such permit is required for the City's wastewater treatment plant to discharge to waters of the State. The State of Indiana has delegation to implement the federal NPDES Permit program.

10. **Question:** Is IDEM required by rule to conduct a public hearing for the City of Valparaiso's NPDES renewal permit?

    Response: No IDEM is not required to conduct a public hearing, but has decided to do so based on the amount of public comments and requests for a public hearings concerning the renewal of City's NPDES permit.

11. **Question:** How will the City of Valparaiso disinfect their WWTP effluent if the effluent chlorination/dechlorination facilities are taken offline when the City is replacing them with a ultraviolet light disinfection system?

    Response: The City is planning to replace their existing effluent chlorination/dechlorination facilities with an ultraviolet light disinfection system during the non-recreational season of November 1 through March 31. In accordance with Indiana Water Quality standards, the City is not required to disinfect during the non-recreational season, therefore the City can construct the new ultraviolet light disinfection system and not be in violation of the disinfection requirements contained within their NPDES renewal permit.

12. **Question:** When drafting the City of Valparaiso NPDES renewal permit, did IDEM review the City's Monthly Report of Operation (MROs) and Discharge Monitoring Report (DMR) forms from April 1, 2000 through August 31, 2000 to determine the amount of rainfall that is required in the City of Valparaiso service area and the surroundings area that will cause the City's wastewater collection system to discharge untreated wastewater from their 2 combined sewer overflow (CSO) points?

    Response: This Office reviewed the City of Valparaiso Monthly Report of Operation (MROs) and Discharge Monitoring Report (DMR) forms to help aid in the drafting of the City's NPDES renewal permit including the MRO and DMR forms for the time frame of April 1, 2000 through August 31, 2000. The frequency, duration, and amount of untreated wastewater that is discharged from the City of Valparaiso's 2 CSO points associated with wet weather events did not directly affect the drafting of the City's NPDES renewal permit. The amount of rainfall that causes a wet weather related CSO event to occur would depend on a number of different factors including but not limited to: the time of day the rainfall event occurred, the time of the year the rainfall occurred, and how saturated the soil already was before the rainfall event occurred. Combined sewer overflows (CSOs) are point sources subject to the requirements of the Clean Water Act and are authorized under the terms and conditions of Attachment A of this renewal permit. Dry weather CSO events that could potentially occur will be considered violations of the Clean Water Act, and any enforcement activity will be conducted separately from this NPDES permit reissuance.

13. **Question:** Did the U.S. Army Corps of Engineers in either the Chicago and/or Detroit Districts have any input in the drafting of the City of Valparaiso's NPDES renewal permit?

    Response: No, the U.S. Army Corps of Engineers in the Chicago and/or Detroit Districts did not provide any input, and are not required to provide any input, in the drafting of the City of Valparaiso's NPDES renewal permit.

14. **Question:** Since the City of Valparaiso's NPDES permit is expired, is the City legally allowed to hook on additional customers to their wastewater collection system at this time?

    Response: This matter has been referred to IDEM's Office of Legal Counsel.

15. **Question:** Can a permittee's average design flow be re-rated to a lower value in the future if such a value is warranted?

    Response: A permittee can request that their average design flow be re-rated to a lower value. The permittee must justify to this Office why a re-rating is necessary and that it is warranted.

16. **Question:** What is the City of Valparaiso's schedule for cleaning out their wastewater collection system, catch basins, lift stations, etc.

    Response: As part of the City of Valparaiso's Combined Sewer Overflow Operational Plan (CSOOP), which is due within six months of the effective date of the City's NPDES renewal permit, the plan will include mechanisms and specific procedures to ensure that the City properly operates and regularly conducts maintenance of the wastewater collection system. Since this Office has not yet required the City of Valparaiso to complete a CSOOP, a schedule for operating and maintaining their collection system has not yet been received by this Office.

17. **Question:** Has IDEM done an independent water quality study of Salt Creek, if so when? If not why?

    Response: This Office's Water Quality and Assessment Branch monitors Indiana's Water Quality on a basin-by-basin approach via a rotating 5-year schedule. The Water Quality and Assessment Branch sampled Salt Creek and its tributaries in the year 2000. As required by the Clean Water Act the IDEM is required to submit a 305(b) Report to the U.S. EPA, Region V, which lists impaired surface water bodies throughout the State of Indiana. The 305(b) report also lists what pollutant(s) are causing the surface waterbody to be impaired. Salt Creek was placed on the 305(b) list due to impairments associated with E. coli. An impaired water body is then required to be listed on the State of Indiana's 303(D) list (as was Salt Creek), which requires action by IDEM to work towards eliminating the impairment of each individual water body. IDEM is in the process of conducting a Total Maximum Daily Load (TMDL) Study on Salt Creek to determine the sources of E. coli and to work towards eliminating and/or reducing the sources that are causing the impairment.

18. **Question:** Since Salt Creek has been placed on the 305(b) list due to impairments associated with E. coli, objections were raised in allowing the City of Valparaiso up to 36 months to switch from fecal coliform to E. coli monitoring and reporting requirements in the City's NPDES renewal permit. Since IDEM is planning to have the Total Maximum Daily Load (TMDL) Study on Salt Creek developed during the 2000-2004 time frame, the schedule of compliance in the City's NPDES renewal permit should be coordinated with the TMDL Study due to the fact that the City may be required to reduce their E. coli effluent limitations as a result of the study.

    Response: This Office incorporated a 36-month schedule of compliance into the City's NPDES renewal permit to allow the City time to evaluate the WWTP's ability to meet the final E. coli effluent limitations and monitoring requirements. This is deemed to be a "reasonable period" to meet the new limits, especially since the City has plans to modify their disinfection process to U.V. disinfection. If the City can meet the final E. coli effluent limitations at an earlier date than the end of the compliance schedule, then the

City will be required to meet the E. coli limitations

sooner than 36-months from the effective date of the permit. This Office does not believe it is appropriate and/ or possible to coordinate the schedule of compliance for E. coli with the Salt Creek TMDL Study, however this Office will modify the City's NPDES renewal permit if necessary as a result of the TMDL study. A reopening clause is included in the permit which will address this matter.

19. **Question:** Concerns were raised about cadmium, hexavalent chromium, total chromium, cyanide, lead, nickel, and zinc being removed and replaced by influent monitoring in the City's draft NPDES renewal permit. A question was raised as to whether total or dissolved forms of these pollutants are to be monitored and reported? A request was also made that the cadmium, hexavalent chromium, total chromium, cyanide, lead, nickel, and zinc effluent limitations be retained in the City's draft NPDES renewal permit, since removing the limitations should be considered backsliding. A whole effluent toxicity (WET) test based on federal rules and regulations should be conducted to determine whether removing the above-referenced pollutants is appropriate based on the fact that the Federal Register dated August 8, 2000 stated that the WET test procedures which are contained in IDEM's rules tend to underperdict violation of water quality standards. The new WET test should then be utilized to develop water quality based effluent limitations (WQBELs).
Response: Hexavalent chromium has been deleted as a parameter based on its properties as a strong oxidizer. Hexavalent chromium is thus reduced by the organic matter container in the sewage, there is no reasonable potential for hexavalent chromium to be in the City's WWTP effluent.

The remaining metals in question were subjected to a determination for reasonable potential to cause an excursion above ambient criteria utilizing effluent data in accordance with the procedure outlined in EPA Document 505/2-90-001, Technical Support Document for Water Quality-based Toxics Control. All metals that were limited in the City's previous permit were subjected to a determination for reasonable potential to cause an excursion above ambient criteria using the procedure in 327 IAC 5-2-11.5(b). This Office based the reasonable potential determination in accordance with the results of the wasteload allocation study dated October 24, 2000. Original inclusion for metals effluent limitations and monitoring requirements were most often based on a Best Professional Judgement (BPJ) determination to include limits just because those metals were listed in Standard Form A-Municipal Section IV Industrial Waste Contribution to Municipal System and Section II, Basic Discharge Description, Part 15 Additional Wastewater Characteristics and/or available information on metals constituents in the treatment plant sludge. We believe the removal of limits will not violate antibacksliding provisions of 327 IAC 5-2-10(11)(A), (B), & (C).

At a minimum, influent monitoring is retained within the NPDES permit in order to judge the effectiveness of the City's pretreatment program as well as to function as an indicator of additional loading in the event of industrial process changes, increased domestic loading or additional industrial connections to the collection system. The permit has a reopening clause to re-institute effluent limits in the event that substantial loading increases should occur. The WET test is not considered the appropriate vehicle for a determination of reasonable potential for metals as it provides only a "snapshot" of one instant frozen in time as opposed to the methodology utilized which evaluates data over a multiple year period of time.

For the purposes of enforcing and maintaining adequate legal authority in the Permittee's Sewer Use Ordinance, the Control Authority shall still develop and maintain local limits for all metals no longer monitored in the effluent in its technical reevaluation of the local limits.

Any effluent limits for metals in this permit would be calculated from a dissolved water quality criterion as contained in 327 IAC 2-1.5 and would be expressed in the permit as the total recoverable metals fraction. Thus all monitoring is to be for total recoverable metals.

Cyanide is calculated from a criterion for free cyanide and is limited in the permit as free cyanide and monitored using the CATC method (Cyanides Amenable to Chlorination).

20. **Question:** The City of Valparaiso's NPDES permit should require influent metals limitations and monitoring requirements as contained in other pretreatment cities NPDES permit's within the State of Indiana. Also ug/l (micrograms per liter) is the measurement type that should be utilized to measure and report all the metals and cyanide listed within the City's NPDES permit rather than milligrams per liter (mg/l).

Response: The influent values contained in other permits have never been limitations, but were included in NPDES permits in the past to provide the municipality an indication of possible industrial non-compliance. These influent values were calculated from ordinance limitations and can be more stringent than its corresponding effluent limitation. This occurs because the ordinance limitation is based on protecting WWTP processes or the quality of municipal sludge while the effluent limitation is based on protecting water quality of the receiving stream. Micrograms per liter could be used to express all of the effluent limits in the permit but is normally reserved for mercury and PCBs which have water quality standards that calculate to this range. The net result would be a long string of zeros in each limit with no real purpose. EPA guidelines recommend the use of limits expressed in mg/l whenever possible.

21. **Question:** On Page 2 of the permit, the treatment facility description lists a secondary flow diversion gate, a tertiary effluent diversion gate, and a mixed media filter bypass. These are allowed to be utilized via the City's NPDES renewal. Any discharges from the above-referenced diversion structures should be considered a bypass and have the potential to violate the effluent listed in the City's NPDES renewal permit. There is also no explanation as to when or why wastewater is diverted via the three diversion structures.

Response: Bypass, as defined in 327 IAC 5-2-8(11)(A)(i), means the intentional diversion of a waste stream from any portion of a treatment facility. However, the bypass language included in the permit is not intended to usurp the control of the certified operator in day to day operations. Part II.B.2.(f) of the permit allows the permittee discretion in essential maintenance of the treatment process as long as process changes do not result in effluent violations. Since the wastewater flow being diverted around the three above-referenced diversion structures has received secondary treatment, the wastewater has been treated to a level capable of meeting the effluent limitations contained in this permit.

22. **Question:** Concerns were raised that the final total residual chlorine limit of detection (LOD) and limit of quantitation (LOQ) are not appropriate based on Indiana Great Lakes Water Quality Standards. Also dechlorination must be required by the City of Valparaiso during the recreational season even if the City switches their method of disinfection to ultraviolet light, since no chlorine should be allowed to discharge via the City's effluent.

    Response: The LOD and LOQ for any given parameter are not based on the State's water quality standard. The permit limit represents the maximum legal residue which may be present in the effluent discharge. The LOD is an operationally defined quantity which reflects the lowest concentration of an analyte at which one can say with reasonable certainty (e.g. 99%) that the analyte is present. This office sees no connection between, and has no intention of linking, these two disparate values.

    This Office sees no practical purpose to dechlorinating the effluent after the installation of UV light disinfection. However, the City would be required to dechlorinate, if residual chlorine levels were found to be above expressed effluent limits, if these or other uses include treatment by chlorine for filamentous bacteria related to sludge bulking, cleaning of tertiary sand filters and the use of halogenated pesticides for snail or zebra mussel eradication. When the permit is modified to reflect the change to U.V. disinfection to specify that if chlorine is used for any reason after the changeover to U.V. disinfection, then the maximum chlorine level must be less than the LOQ (0.06 mg/l).

23. **Question:** Concerns were raised that the City of Valparaiso should be required to meet the mercury effluent limitations based on Indiana Great Lakes Water Quality Standards on the effective date of the City's renewal permit rather than at the end of the 59-month schedule of compliance. The City's NPDES renewal permit cannot allow a mixing zone to allow the City to attain the mercury effluent limits listed on Page 7 of the City's permit since it is a bioaccumulative chemical of concern (BCC).

    Response: The final mercury effluent limitations listed in the City of Valparaiso's NPDES renewal permit were calculated using a mixing zone, which is allowed for existing dischargers in accordance with 327 IAC 5-2-11.4(b)(1)(C). The background levels used in the model were set at the water quality criterion for mercury. It has always been the practice of IDEM to grant a schedule of compliance for any given parameter when questions exist as to a discharger's ability to meet a more stringent effluent limitation. Due to the fact that the mercury effluent limitations are much more stringent than the City's existing limitations, and since the City is required to utilize a new test method beginning on the effective date of this permit, this Office believes it is appropriate to allow the permittee up to 59 months to attain the final mercury effluent limitations.

24. **Question:** Concerns were raised that the copper effluent limitations contained within the City's NPDES renewal permit should not be relaxed from the City's current limitations. An aggressive pollutant minimization plan and an aggressive influent investigation for copper must be implemented by the rather City rather than relaxing their effluent limitations. Relaxing the City's copper effluent limitations should be considered backsliding and should trigger the requirement of an antidegradation demonstration to be performed.

Response: The City of Valparaiso has investigated the collection system and monitored its industrial contributors to try to find the source of the copper. The rationale for this proposal is based primarily on the fact that none of the current significant industrial users are expected to contribute copper to the collection system. Since much of the influent copper levels appear to be coming from uncontrollable sources, including background public water supply levels and copper piping in residences, this Office is proposing to modify the City's copper limitations in accordance with the effluent limitations based on the Wasteload Allocation (WLA) Study performed by IDEM on October 24, 2000, which was performed in accordance with Indiana Great Lakes Water Quality Standards. This Office does not believe this conflicts with the anti-backsliding regulations
[327 IAC 5-2-10(11)(B)(iii)], since the City of Valparaiso has been operating their WWTP to the best of their ability and are still having some problems attaining their existing daily maximum copper limitations. Also the WLA determined that the new copper limits would not constitute a significant lowering of water quality, therefore no antidegradation demonstration is necessary.

25. **Question:** The ammonia-nitrogen effluent limitations seem to be less stringent than limitations that should be required in accordance with the Indiana Great Lakes Water Quality Standards.

Response: The final ammonia-nitrogen effluent limitations which this Office incorporated into the City of Valparaiso's NPDES permit renewal were based in accordance with the Wasteload Allocation (WLA) Study performed by IDEM on October 24, 2000, which was performed in accordance with Indiana Great Lakes Water Quality Standards. Therefore, this Office believes the appropriate ammonia-nitrogen effluent limitations were incorporated into the City's NPDES renewal permit.

26. **Question:** Since Salt Creek is designated as a salmonid waterbody in accordance with 327 IAC 2-1.5-5(a)(3)(C), special requirements to protect Salt Creek should be incorporated into the City's permit including temperature limitations.

Response: This Office normally only includes limits for temperature in NPDES permits which this Office issues to industrial direct dischargers such as electrical power plants discharging cooling water. The fluctuations and temperature range of most domestic sewage does not cause any adverse effects on cold water species. Therefore, this Office does not believe temperature limitations on the City of Valparaiso WWTP's effluent discharge are warranted.

27. **Question:** Concerns were raised that emphasis on sensitive areas, such as Salt Creek, as well as the 9th minimum control requiring monitoring of the sensitive area by the City are absent from the Long Term Control Plan (LTCP) language in Attachment A of the City's NPDES renewal permit. Concerns were also raised that there does not appear to be a public participation plan developed by the City which is also a requirement of the LTCP.

Response: The nine minimum controls (NMC) are to be addressed within the CSO Operational Plan, not the Long-Term Control Plan (LTCP). The CSO Operational Plan is required to be submitted to Office within six months from the effective date of the City of Valparaiso's NPDES renewal permit. The NMCs are as follows: (1) Proper operation and regular maintenance; (2) Maximum use of the collection system for storage; (3) Review and modification of pretreatment programs; (4) Maximization of flow to the WWTP for treatment; (5) Prohibition of CSO discharges during dry weather; (6) Control of solid and floatable materials in CSO discharges; (7) Pollution prevention; and (8) Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts. A requirement for the permittee to implement the ninth minimum control, monitoring to characterize CSO impacts, is outlined within Part V of the City of Valparaiso's NPDES permit renewal. Consideration of sensitive areas and public participation are required elements of the LTCP, which is required to be submitted to IDEM within 30 months from the effective date of this NPDES permit renewal.

28. **Question:** Concerns were also raised that the City of Valparaiso continues to discharge raw wastewater from their combined sewer overflow points during wet weather related events and are still hooking on additional customers which will exacerbate this problem. Therefore, a sewer ban should be placed on the City of Valparaiso's collection system, the LTCP should be completed, and the E. coli Total Maximum Daily Load (TMDL) Study on Salt Creek should all be completed before the City is allowed to hook up any additional customers.

Response: Since the evaluation of treatment facilities for the sewer ban program occurs under the authority of 327 IAC 4, which is not part of the NPDES regulations, this request was forwarded to the Compliance Evaluation Section for their review. Any actions that might be taken will be separate from the proposed permit renewal action.

29. **Question:** A request was made that the City of Valparaiso's NPDES renewal permit be put on hold until the U.S. EPA, Region V has time to review the permit to determine if the permit has been drafted in accordance with the Indiana Great Lakes Water Quality Standards.

Response: The U.S. EPA was sent a copy of the City of Valparaiso's NPDES renewal permit as noted on the draft cover letter dated February 2, 2001. The U.S. EPA did not submit any comments concerning the City's NPDES renewal permit during the public notice period (February 2 thru March 23, 2001). The U.S. EPA has up to 90 days to comment on draft NPDES permits. It is this Office's current practice to proceed with the issuance of draft NPDES permits if the U.S. EPA has not notified this Office within above-referenced 90 day time frame.

30. **Question:** A concerned was raised as to how this Office's Stormwater Program affects the City's NPDES permit. A concern was also raised as to what happens if the City of Valparaiso is not in compliance with this Office's stormwater regulations by the 2003 deadline and also would IDEM be the agency responsible for enforcing the regulations. A concern was also raised as to how the City's stormwater program requirements will affect the special flood hazard areas downstream. A concern was also raised as to whether the City's stormwater program needs approval from any other state and/or federal agency other than IDEM.

    Response: These questions are moot in relation to this NPDES permit. The storm water runoff from the City of Valparaiso will be addressed via a separate NPDES permit after the Phase II storm water regulations become effective. Those rules will have no direct bearing on this NPDES permit. It should be noted that 2003 is the deadline for the submittal of the Phase II storm water application. Once the storm water permit is issued, it will contain specific requirements and appropriate compliance schedules. IDEM is the agency which is responsible for enforcing the NPDES regulations.

31. After the public notice period, it was discovered that the incorrect provision based on 327 IAC 5-2-11.3(b)(2)(A) was incorporated in the draft permit. The language in Part II.A.17 has been modified to reflect the provisions of 327 IAC 5-2-11.3(b)(2)(B) which applies to POTWs. This language states the POTW is prohibited from allowing any new or increased discharge of a BCC from industrial users unless they submit appropriate information to IDEM and submit an antidegradation demonstration.

A number of additional comments were received in conjunction with the public notice period for the City of Valparaiso's NPDES renewal permit concerning the City's proposed WWTP upgrade to increase the WWTP's average design flow to 9.0 MGD. The permit action for which IDEM published the public notice was for the reissuance of the NPDES permit for the City of Valparaiso's Wastewater Treatment Plant, which has an average design flow of 6.0 MGD. These comments are not relevant to the reissuance of the NPDES permit for the existing wastewater treatment facility. IDEM staff attempted to adequately address the public comments concerning the City's proposed WWTP upgrade during the public meeting held at the Valparaiso City Hall in the City Council Chamber on February 8, 2001. Any additional comments the public has concerning the City's proposed WWTP upgrade will be addressed when the NPDES permit is modified to reflect the proposed increase in the WWTP's average design flow to 9.0 MGD. This permit modification will require a minimum 30 day public notice period to allow the public to express any comments/concerns they may have concerning the WWTP upgrade.

This Office has not made any significant changes to City of Valparaiso's NPDES renewal permit as a result of the comment letters and subsequent public meeting and public hearing, therefore the permit is being issued at this time.

Prepared by Gale Ferris